

United States District Court
for
Middle District of Tennessee

Superseding Petition for Warrant for Offender Under Supervision
[Supersedes Petition Filed as Docket Entry No. 54]

Name of Offender: Derrick Smith

Case Number: 3:07-00133

Name of Judicial Officer: Honorable William J. Haynes Jr., Chief U.S. District Judge

Date of Original Sentence: January 25, 2010

Original Offense: Convicted Felon in Possession of a Weapon

Original Sentence: 36 months' custody; followed by 36 months' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: September 26, 2011

Assistant U.S. Attorney: Lee Deneke

Defense Attorney: Patrick Frogge

PETITIONING THE COURT

_____ To issue a Summons.

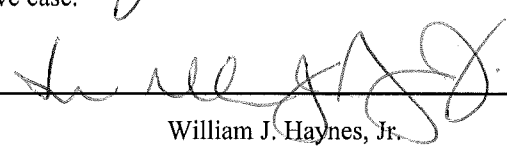
 X To Consider Additional Violations /
Information

_____ To issue a Warrant.

THE COURT ORDERS:

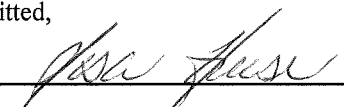
- ☐ No Action
- ☐ The Issuance of a Warrant:
 - ☐ Sealed Pending Warrant Execution
(cc: U.S. Probation and U.S. Marshal only)
- ☐ The Issuance of a Summons.
- ☒ The Addition of Alleged Violations / Information
- ☐ Other

Considered this 14th day of
February 2013 and made a part of the records in the
above case.



William J. Haynes, Jr.
Chief U.S. District Judge

I declare under penalty of perjury that the
foregoing is true and correct. Respectfully
submitted,



U.S. Probation Officer
Lisa House

Place Clarksville, TN

Date February 12, 2013

ALLEGED VIOLATIONS

The information provided in the previous petition, filed as docket entry No. 54, has been amended as follows:

Violation No. 2 - has been added to the petition.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime:**

Derrick Smith was arrested in Clarksville, Tennessee, on October 4, 2012, for the offense of Driving Under the Influence, Violation of Implied Consent, and Simple Possession. These cases are currently set for docket call in Montgomery County General Sessions Court on March 13, 2013.

2. **The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia except as prescribed by a physician:**

Derrick Smith tested positive for the use of marijuana on January 23, 2013.

Compliance with Supervision Conditions and Prior Interventions:

Derrick Smith was sentenced to 36 months' custody to be followed by 36 months' supervised release for the offense of Convicted Felon in Possession of a Weapon on January 25, 2010. The term of supervised release commenced on January 26, 2011. Mr. Smith is currently employed by Brueno Cleaning, as needed, earning \$10 an hour.

According to the affidavit of compliant, on or about October 4, 2012, in Montgomery County, Tennessee, Derrick Thomas Smith committed the offenses of Driving Under the Influence, Implied Consent, and Simple Possession. The defendant's vehicle, while traveling in the middle lane, began to weave between the far right lane and the far left lane of travel, crossing the white divided lines southbound on Fort Campbell Boulevard. Upon a traffic stop, a slight odor of alcohol along with the scent of raw marijuana was sensed emitting from the vehicle. Mr. Smith was asked to exit the vehicle and consented to a pat down search of his person, during which a small amount of a green plant-like material wrapped in a clear cellophane bag was found in his right, third pocket. Mr. Smith was then asked to submit to field sobriety tests due to his erratic driving. He failed all of the tests given and was placed into custody for Driving Under the Influence and Simple Possession. Mr. Smith was transported to the Montgomery County Jail where the Tennessee Implied Consent Advisement was read, at which time he refused any further testing. As previously indicated, these cases are currently set for docket call on March 13, 2013.

Mr. Smith tested positive for marijuana on January 23, 2013. He did not admit use to the probation officer, but he did request substance abuse treatment.

Mr. Smith has not received any substance abuse counseling and does not have a special condition ordering treatment.

On January 7, 2013, the original "Petition for Warrant for Offender Under Supervision" was filed with the Court charging one violation. A summons was issued and Mr. Smith turned himself in on January 23, 2013, pursuant to the summons. He was released on January 23, 2013, on all previously imposed conditions pending the revocation hearing.

Update of Offender Characteristics:

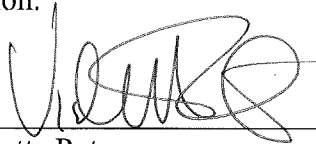
There is no additional information relevant to this section that has not already been provided in this petition.

U.S. Probation Officer Recommendation:

It is respectfully requested that the additional violation/information be considered at the revocation hearing.

This matter has been submitted to Assistant U.S. Attorney, Lee Deneke, who concurs with the recommendation.

Approved: _____

A handwritten signature in black ink, appearing to read "Vidette Putman", written over a horizontal line.

Vidette Putman

Supervisory U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. DERRICK SMITH, CASE NO. 3:07-00133

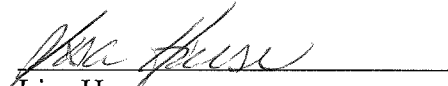
GRADE OF VIOLATION: C
CRIMINAL HISTORY: III

ORIGINAL OFFENSE DATE: POST APRIL 30, 2003 **PROTECT ACT PROVISIONS**


| | <u>Statutory Provisions</u> | <u>Guideline Provisions</u> | <u>Recommended Sentence</u> |
|--------------------------------|--|--|---------------------------------|
| CUSTODY: | 2 years (Class C felony) <i>18 U.S.C. § 3583(e)(3)</i> | 5 to 11 months | No Recommendation |
| SUPERVISED RELEASE: | 36 months | 36 months less any term of imprisonment <i>18 U.S.C. 3583(h)</i> | No Recommendation |

Guideline Policy Statements: Upon a finding of a Grade C violation the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2).

Respectfully Submitted,



Lisa House
U.S. Probation Officer

Approved:


Vidette Putman
Supervising U.S. Probation Officer